

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARK TORRA,

Petitioner,

-against-

9:04-CV-238
(LEK/GHL)

GARY GREENE,

Respondent.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on March 21, 2008 by the Honorable George H. Lowe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 17). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Petitioner, which were filed on March 31, 2008. Objections (Dkt. No. 18).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge... may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” Id. This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 17) is **APPROVED** and

ADOPTED in its **ENTIRETY**; and it is further

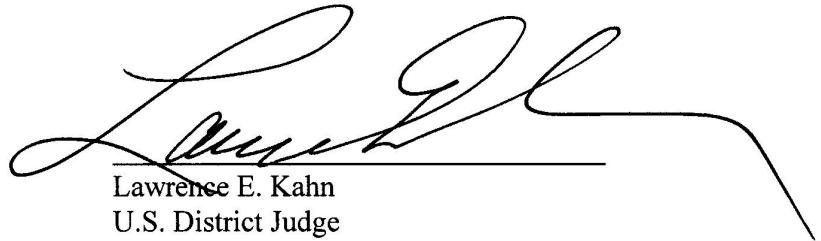
ORDERED, that the Petition for a Writ of Habeas Corpus (Dkt. No. 1) is **DENIED** and
DISMISSED; and it is further

ORDERED, that no certificate of appealability shall issue with respect to any of Petitioner's claims; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: April 15, 2008
Albany, New York



The image shows a handwritten signature in black ink, appearing to read "Lawrence E. Kahn". Below the signature, there is a horizontal line. Underneath the line, the name "Lawrence E. Kahn" is printed in a standard font, followed by "U.S. District Judge" in a smaller font.

Lawrence E. Kahn
U.S. District Judge